



Attorney's Docket No. 1033262-000003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )

Jonathan R. Merrill et al. )

Application No.: 09/955,939 )

Filed: September 20, 2001 )

For: METHOD AND SYSTEM FOR )  
THE STORAGE AND )  
RETRIEVAL OF WEB-BASED )  
EDUCATIONAL MATERIALS )

Group Art Unit: 2176

Examiner: LAURIE ANNE RIES

Appeal No.: \_\_\_\_\_

**APPEAL BRIEF**

**Mail Stop APPEAL BRIEF - PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This appeal is from the decision of the Primary Examiner dated June 23, 2006 finally rejecting claims 1-25, which are reproduced as the Claims Appendix of this brief.

- ☐ A check covering the ☐ \$ 250 ☐ \$ 500 Government fee is filed herewith.
- ☒ Charge ☒ \$ 250 ☐ \$ 500 to Credit Card. Form PTO-2038 is attached.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

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I. Real Party in Interest

The real party in interest with respect to this application is Astute Technologies, LLC of Great Falls, Virginia, the assignee of record in this application by virtue of Assignment recorded on September 20, 2001.

II. Related Appeals and Interferences

The Appellants, the Appellants' legal representative, and the assignee know of no other prior and pending appeals, interferences or judicial proceedings, which may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision in this appeal.

III. Status of Claims

Claims 1-23 are pending in this application and stand finally rejected. Claims 24 and 25 have been cancelled without prejudice to or disclaimer of the subject matter recited therein. The rejection of claims 1-23 is being appealed.

IV. Status of Amendments

Appellants have submitted herewith an after-final amendment cancelling claims 24 and 25. For purposes of this appeal, it is assumed that this amendment has been entered.

V. Summary Claimed Subject Matter

Independent apparatus claim 1 recites an apparatus for capturing a live presentation. The apparatus includes means for capturing during the live presentation electronic still images for display by a display device which displays said electronic still images for viewing by an audience. Several exemplary means for capturing are described in the specification. In one implementation, the means for capturing are configured to capture digital images projected by an integrated slide projector 100 and include a mirror assembly 204, a digital camera (CCD) 206, and a

computer 102 with a digital video image capture board 302 (see, e.g., FIGS. 1-3, page 6, lines 26-35, page 9, line 27 – page 10, line 12). In another implementation the means for capturing are configured to capture digital video image data of slides generated by a presentation computer and include a conversion device (VGA-to-NTSC) and the system computer 102 with video capture board 302 (see, e.g., FIG. 3, page 7, lines 14-21, and page 12, lines 11-17). In yet another implementation, the means for capturing are configured to capture a computer image signal generated by an overhead transparency or paper document projection device 400 and include the system computer 102 with video capture card 302 (see, e.g., FIG. 4, page 7, lines 21-25, and page 12, lines 18-29). Numerous variations on these implementations are described in the specification, including replacing the mirror assembly 204 with a beam splitter for image capture (see, e.g., page 23, lines 10-13, as well as FIGS. 11-13, 15, 17 and 19 and their corresponding descriptions).

The apparatus of claim 1 also includes means for recording the audio portion of a speaker's presentation during a live presentation. Exemplary means for recording includes a microphone 116 and an audio capture card 304 (see, e.g., FIGS. 1, 3, 13, 15, 17 and 19, page 12, lines 6-10, and page 26, lines 31-33). The apparatus further includes means for automatically synchronizing change over from one electronic still image to another with the audio recording. Exemplary synchronizing means include the computer 102 configured to automatically detect slide changes (i.e., via an infrared slide controller or an automatic sensing algorithm) and encode the slide change information with the audio and video data during capture (see, e.g., page 13, lines 21-24).

Independent claim 20 recites a system for digitally recording and storing a lecture presentation using still images and audio. The system includes a still image generator for displaying a still image, such as, for example, the integrated slide projector 100 (see, e.g., FIG. 1, page 9, lines 27-30), the presentation computer (see, e.g., page 7, lines 14-21), and the overhead transparency or paper document projector 400 (see, e.g., FIG. 4, page 12, lines 18-23). The system also includes a capturing component configured to capture digital still image data from data used to generate the still image, while the still image is being displayed by the still image generator. For example, the capturing component can be implemented as described

above with respect to the means for capturing (i.e., the mirror assembly, CCD, and system computer with video capture card for capture of still images being displayed by the slide projector, the VGA-to-NTSC conversion device and system computer with video capture card for capture of digital video image data of slides being displayed by the presentation computer, the system computer with video capture card for capture of computer image signals generated by the overhead transparency/paper document projector, as well as the variations, such as using the beam splitter).

The system of claim 20 further includes a receiving component configured to receive audio signals, such as the microphone 116 (see, e.g., FIGS. 1, 13, 15, 17 and 19) and a converting component configured to convert the audio signals into digital audio data, such as the audio capture card 304 (see, e.g., FIG. 3). Additionally, the system has a computer including a memory for storing the captured digital still image data and the digital audio data, such as the system computer 102 with memory 316 (see, e.g., FIG. 3).

#### VI. Grounds of Rejection to be Reviewed on Appeal

- A. Claims 1-10 and 17-22 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,728,753 to Parasnis ("Parasnis")
- B. Claim 11 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Parasnis in view of "Visualization Using Timelines" to Karam ("Karam")
- C. Claims 12-15 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Parasnis in view of "Video Manga: Generating Semantically Meaningful Video Summaries" to Uchihashi ("Uchihashi")
- D. Claim 16 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Parasnis in view of Uchihashi and U.S. Patent No. 5,978,818 to Lin ("Lin")
- E. Claim 23 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Parasnis in view of U.S. Patent 5,414,481 to Fujiko ("Fujiko")

VII. Argument

A. Parasnis Does Not Anticipate Claims 1-10 and 17-19

Parasnis does not meet each and every recitation of the claims, which is necessary for a finding of anticipation under 35 U.S.C. §102(e). (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Specifically, independent claim 1 recites, among other features, "means for capturing during the live presentation electronic still images for display by a display device which displays said electronic still images for viewing by an audience."

The Examiner identifies the means for capturing as being met by the method described in Parasnis for broadcasting a live presentation from a presentation broadcast source to a plurality of receiving computers linked in communication with the presentation broadcast source across a computer network (see, e.g., final Office action at page 5, citing Parasnis at col. 4, lines 1-34). Specifically, with respect to the means for capturing during the live presentation electronic still images, the Examiner indicates that Parasnis meets this feature by teaching a predefined content portion of a live presentation that includes a number of presentation slides that are displayed in response to slide triggering events during the presentation, and that it is well known in the art that a presentation slide is an electronic representation of a still image (see, e.g., final Office action at page 3, paragraph 9, citing Parasnis at col. 4, lines 1-11).

The Examiner alternatively and more recently indicates that Parasnis meets this feature by teaching a live content portion of the live presentation that may include visual aspects of the presentation, such as a view of the presenter during the live presentation (see, e.g., Advisory Action at Continuation Sheet, lines 3-7, citing Parasnis at col. 4, lines 13-17).

Neither the generating a predefined content portion nor the live content portion of the presentation, as described in Parasnis, meets the feature of capturing during the live presentation electronic still images for display by a display device which displays said electronic still images for viewing by an audience, as recited in claim 1.

### 1. Electronic Still Images Not Captured During Live Presentation

First, the means for capturing during the live presentation electronic still images for display is not met by generating the predefined content portion of the live presentation, as described in Parasnis, because the predefined content portion is saved in advance of the live presentation. For example, Parasnis describes that, **prior to the start of the presentation**, a plurality of HTML slide files are uploaded from a laptop computer to the NETSHOW server via a communication link and that preferably all of the HTML presentation slide content is cached in each of the attendee's computer prior to the start of the live presentation. (Parasnis at col. 20, lines 34-48, emphasis added). Thus, Parasnis describes saving predefined content comprising a plurality of presentation slides in advance of the live presentation in HTML format (see, e.g., Parasnis at col. 4, lines 20-27), as opposed to capturing during the live presentation electronic still images for display, as recited in claim 1.

### 2. Capture Of Video Is Not Capture Of Electronic Still Images

Second, the means for capturing during the live presentation electronic still images for display is not met by the video camera producing the live content portion of the live presentation, as described in Parasnis, because the video signal produced by the video camera does not comprise electronic still images for display by a display device. The video camera can capture optical images on display, along with an image of the lecturer, for instance. For example, Parasnis describes pointing a video camera at the presenter and/or projection screen to produce a video signal of the visual aspects of the presentation. (Parasnis at col. 19, line 62 to col. 20, line 1). The specification of the instant application, however, distinguishes producing video signals from capturing still images, and explains that, in the prior art, digital audio/video cameras allow for video recordings of lectures, but they do not have direct means for capturing slides (see, e.g., page 10, lines 6-7). To capture a lecture, the specification of the instant application provides that, in one embodiment, the system **creates data from the slides** and saves the data in source files (see, e.g., page 10, lines 6-7). As discussed above, exemplary means for capturing include the mirror assembly, CCD, and system computer with video capture card for capture of still images being displayed by the slide projector, the VGA-to-NTSC



conversion device and system computer with video capture card for capture of digital video image data of slides being displayed by the presentation computer, the system computer with video capture card for capture of computer image signals generated by the overhead transparency/paper document projection projector, as well as variations on these implementations. Therefore, the video camera described in Parasnis that produces a video signal of the visual aspects of the presentation is not an appropriate means for capturing during the live presentation electronic still images for display, as recited in claim 1.

Accordingly, for at least all of the reasons presented, Appellants respectfully request that the Board overturn the Examiner's rejection of independent claim 1 over Parasnis, and of claims 2-10 and 17-19, which depend therefrom.

Even if one were to assume *arguendo* that the language of claim 1 was not sufficient to draw a distinction between the disclosed invention and the prior art, at least dependent claims 2-5 draw out various separately patentable specific embodiments.

Claim 2, for instance, recites "said means for capturing electronic still images includes means for routing electrical signals intended to drive said display device to said means for synchronizing." For example, in one embodiment, a slide projector uses the P-COM protocol to communicate slide change signals to the computer 102 over a built-in RS-232 interface to alleviate the need for computer 102 to detect slide change signals from an infrared or wired slide controller (see, e.g., page 22, lines 10-20). While Parasnis describes generating HTML script commands in response to slide triggering events and routing the script commands to the receiving computers to facilitate display of the cached HTML slides on the receiving computers in synchrony with their display during the live presentation (see, e.g., Parasnis at col. 4, lines 35-43), Parasnis does not describe routing the signals intended to drive the display device to said means for synchronizing, as recited in claim 2.

Claim 3 recites "said means for capturing electronic still images is housed in an intermediate unit." For example, in one embodiment, an intermediate unit is placed between a source of projected images, such as a slide projector, and a general purpose computer and functions to capture the presentation through computer generated slides, encode time-stamps, and capture the audio portion the

presentation (see, e.g., FIG. 13 and page 26, line 19 – page 27, line 1). The NETSHOW server cited by the Examiner does not meet this feature because while the NETSHOW server can be configured to receive from the local computer HTML files comprising presentation slides and broadcast the HTML files to the receiving computers, the NETSHOW server does not house means for capturing during the live presentation electronic still images for display (see, e.g., Parasnis at col. 5, lines 23-49).

Further, claim 4 recites "wherein said means for capturing electronic still images is housed in said display device." For example, in one embodiment, a projector is configured to capture and serve the electronic content of the live presentation (see, e.g., FIG. 19 and page 30, lines 13-23). The passage cited by the Examiner in Parasnis describes running a POWERPOINT slideshow from an encoding computer connected to a CRT projector, but does not describe the CRT projector or any other display device that houses means for capturing electronic still images (see, e.g., Parasnis at col. 20, lines 28-33).

Finally, claim 5 recites "a media server that provides said synchronized still images and audio recording in an Internet format." The passage cited by the Examiner in Parasnis does not meet this feature because while Parasnis indicates that an ASF stream is uploaded to the NETSHOW server from an encoding computer and that HTML script commands are embedded in the ASF stream, the NETSHOW server does not provide synchronized still images and audio recording in an Internet format because the slide script commands are decoded at the attendee's computers to cause the cached slide to occur in synchrony with the live presentation (see, e.g. Parasnis at col. 20, lines 20-23 and col. 21, lines 1-10).

B. Parasnis Does Not Anticipate Claims 20-22

Parasnis does not meet each and every recitation of the claims, which is necessary for a finding of anticipation under 35 U.S.C. §102(e). (Id.) Specifically, independent claim 20 recites, among other features, "a capturing component configured to capture digital still image data from data used to generate the still image, while the still image is being displayed by the still image generator."

As noted above in Section VII(A), the Examiner indicates that Parasnis meets this feature by teaching a predefined content portion of a live presentation that

includes a number of presentation slides that are displayed in response to slide triggering events during the presentation. The Examiner alternatively offers that Parasnis meets this feature by teaching a live content portion of the live presentation that may include visual aspects of the presentation, such as a view of the presenter during the live presentation. Neither the generating of the predefined content nor the live content portions of the live presentation, as described in Parasnis, meets the feature of the capturing component configured to capture digital still image data from data used to generate the still image, while the still image is being displayed by the still image generator, as recited in claim 20.

1. Electronic Still Images Not Captured While The Still Image Is  
Being Displayed By The Still Image Generator

First, the capturing component configured to capture digital still image data from data used to generate the still image, while the still image is being displayed by the still image generator, is not met by the predefined content portion of the live presentation, as described in Parasnis, because the predefined content portion is saved in advance of the live presentation. For example, Parasnis describes that, **prior to the start of the presentation**, a plurality of HTML slide files are uploaded from a laptop computer to the NETSHOW server via a communication link and that preferably all of the HTML presentation slide content is cached in each of the attendee's computer prior to the start of the live presentation. (Parasnis at col. 20, lines 34-48, emphasis added). Thus, Parasnis describes saving predefined content comprising a plurality of presentation slides in advance of the live presentation in HTML format (see, e.g., Parasnis at col. 4, lines 20-27), as opposed to a capturing component configured to capture digital still image data from data used to generate the still image, while the still image is being displayed by the still image generator, as recited in claim 20.

2. Video Signal Does Not Comprise Digital Still Image Data From  
Data Used To Generate The Still Image

Second, the capturing component configured to capture digital still image data from data used to generate the still image, while the still image is being displayed by the still image generator, is not met by the live content portion, as described in

Parasnis, because the video signal does not comprise digital still image data **from data used to generate the still image**. For example, the specification of the instant application describes that in the case of computer generated slides, the digital video image data from the presentation computer generating the slide is transferred to the system's computer at the same time that the slide is projected onto the projection screen, and that for slides projected from a machine using overhead transparencies or paper documents, the image data is transferred directly to the system's computer for storage at the same time that the machine projects the image onto the projection screen (see, e.g., page 7, lines 13-27). Parasnis, on the other hand, describes pointing a video camera at the presenter and/or projection screen to produce a video signal of the visual aspects of the presentation. (Parasnis at col. 19, line 62 to col. 20, line 1). Thus, even if *arguendo* the video camera produces video of a slide being displayed, Parasnis does not teach "a capturing component configured to capture digital still image data from data used to generate the still image, while the still image is being displayed by the still image generator" as recited in claim 20.

Accordingly, for at least all of the reasons presented, Appellants respectfully request that the Board overturn the Examiner's rejection of independent claim 20 over Parasnis, and of claims 21-22, which depend therefrom.

C. Claim 11 is Patentable over Parasnis in view of Karam

For at least the same reasons presented above with respect to parent claim 1, Appellants submit that Parasnis does not anticipate claim 11, which depends therefrom, and that Karam does not supply the teachings missing from Parasnis. At a minimum, neither Parasnis nor Karam, either alone or in combination, teaches or suggests "means for capturing during the live presentation electronic still images for display by a display device which displays said electronic still images for viewing by an audience," as recited in parent claim 1. Accordingly, Appellants respectfully request that the Board overturn the Examiner's rejection of claim 11 over Parasnis in view of Karam.

D. Claims 12-15 are Patentable over Parasnis in view of Uchihashi

For at least the same reasons presented above with respect to parent claim 1, Appellants submit that Parasnis does not anticipate claims 12-15, which depend

therefrom, and that Uchihashi does not supply the teachings missing from Parasnis. At a minimum, neither Parasnis nor Uchihashi, either alone or in combination, teaches or suggests "means for capturing during the live presentation electronic still images for display by a display device which displays said electronic still images for viewing by an audience," as recited in parent claim 1. Accordingly, Appellants respectfully request that the Board overturn the Examiner's rejection of claims 12-15 over Parasnis in view of Uchihashi.

E. Claim 16 is Patentable over Parasnis in view of Uchihashi and Lin

For at least the same reasons presented above with respect to parent claim 1, Appellants submit that Parasnis does not anticipate claim 16, which depends therefrom, and that Uchihashi and Lin do not supply the teachings missing from Parasnis. At a minimum, neither Parasnis, Uchihashi, nor Lin, either alone or in combination, teaches or suggests "means for capturing during the live presentation electronic still images for display by a display device which displays said electronic still images for viewing by an audience," as recited in parent claim 1. Accordingly, Appellants respectfully request that the Board overturn the Examiner's rejection of claim 16 over Parasnis in view of Uchihashi and Lin.

F. Claim 23 is Patentable over Parasnis in view of Fujiko

For at least the same reasons presented above with respect to parent claim 20, Appellants submit that Parasnis does not anticipate claim 23, which depends therefrom, and that Fujiko does not supply the teachings missing from Parasnis. At a minimum, neither Parasnis nor Fujiko, either alone or in combination, teaches or suggests "a capturing component configured to capture digital still image data from data used to generate the still image, while the still image is being displayed by the still image generator," as recited in parent claim 20. Accordingly, Appellants respectfully request that the Board overturn the Examiner's rejection of claim 23 over Parasnis in view of Fujiko.

VIII. Claims Appendix

See attached Claims Appendix for a copy of the claims involved in the appeal.

IX. Evidence Appendix

(None)

X. Related Proceedings Appendix

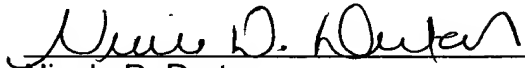
(None)

Respectfully submitted,

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## VIII. CLAIMS APPENDIX

### The Appealed Claims

1. (Previously Presented) An apparatus for capturing a live presentation, comprising:
  - means for capturing during the live presentation electronic still images for display by a display device which displays said electronic still images for viewing by an audience;
  - means for recording the audio portion of a speaker's presentation during a live presentation; and
  - means for automatically synchronizing change over from one electronic still image to another with the audio recording.
2. (Original) An apparatus according to claim 1, wherein said means for capturing electronic still images includes means for routing electrical signals intended to drive said display device to said means for synchronizing.
3. (Original) An apparatus according to claim 1, wherein said means for capturing electronic still images is housed in an intermediate unit.
4. (Previously Presented) An apparatus according to claim 1, wherein said means for capturing electronic still images is housed in said display device.
5. (Original) An apparatus according to claim 1, further comprising a media server that provides said synchronized still images and audio recording in an Internet format.

6. (Previously Presented) An apparatus according to claim 1, further comprising an image projection device.

7. (Original) An apparatus according to claim 1, further comprising means for imaging the person giving the live presentation.

8. (Original) An apparatus according to claim 1, wherein said means for recording includes a microphone adjacent to the person giving the live presentation.

9. (Previously Presented) An apparatus according to the claim 1, wherein said means for automatically synchronizing change over from one still image to another still image with the audio recording includes a manual input for marking a change over event.

10. (Previously Presented) An apparatus according to the claim 1, wherein said means for automatically synchronizing change over of one still image to another still image with the audio recording includes means for automatically detecting a change over event.

11. (Previously Presented) An apparatus according to claim 1, further comprising:

means for determining the location of an electronic pointer on the display device; and



means for associating a timestamp with a determined location, wherein the automatic synchronizing step further includes the step of storing the determined location of the pointer and the associated timestamp into memory.

12. (Original) An apparatus according to claim 1, further comprising:  
means for storing the captured still images in a database; and  
means for providing search capabilities for searching the database.

13. (Original) An apparatus according to claim 12, further comprising  
means for creating a searchable transcript of text in the still images.

14. (Original) An apparatus according to claim 13, wherein said means for creating a transcript includes means for optical character recognition.

15. (Original) An apparatus according to claim 14, further comprising  
means for auto-summarizing the transcript to generate a summary of the transcript.

16. (Original) An apparatus according to claim 14, further comprising  
means for auto-outlining the transcript to generate an outline of the transcript.

17. (Original) An apparatus according to claim 1, further including means  
for transmitting said captured still images and recorded audio portion of a  
presentation to a network in a format suitable for viewing over the network.

18. (Original) An apparatus according to claim 17, further including means for sending the captured still images and audio recording to a client via the Internet.

19. (Original) An apparatus according to claim 1, further including means for converting the audio recording of the live presentation into a streaming format for transfer via the Internet.

20. (Previously Presented) A system for digitally recording and storing a lecture presentation using still images and audio, comprising:

- a still image generator for displaying a still image;
- a capturing component configured to capture digital still image data from data used to generate the still image, while the still image is being displayed by the still image generator;
- a receiving component configured to receive audio signals;
- a converting component configured to convert the audio signals into digital audio data; and
- a computer including a memory for storing the captured digital still image data and the digital audio data.

21. (Original) The system of claim 20, wherein the system includes a computer connected to the Internet such that the client can access the stored digital still image data and the digital audio data via the Internet.

22. (Original) The system of claim 20, wherein the still image generator displays the still image using an overhead transparency projector.

23. (Original) The system of claim 20, wherein the still image generator displays the still image using a paper document projector.

## **IX. EVIDENCE APPENDIX**

(None)

**X. RELATED PROCEEDINGS APPENDIX**

(None)